law. *Coughenour* v. *Suhre*, 71 Pa. 462. See 4 WIGMORE, EVIDENCE, §§ 2443–2445. The third view applies the rule to negotiable instruments that is usually applied to collateral agreements concerning other writings, and admits extrinsic evidence on the theory that it does not alter the instrument but shows that the instrument was never enforceable. *Burke* v. *Dulaney*, 153 U. S. 228. The fourth view differs from the third in that it regards the instrument as enforceable but subject to the defense arising from the collateral agreement, extrinsic evidence of this defense being admitted as is extrinsic evidence of the defense, fraud. *Cf. American National Bank* v. *Cruger*, 44 S. W. 1057 (Tex. Civ. App.). The principal case illustrates the hardship resulting from strict conformation to the parol-evidence rule.

EVIDENCE — SIMILAR FACTS AND OCCURRENCES — POSSESSION OF GOODS OTHER THAN THOSE STOLEN. — The two defendants were indicted for larceny of jewelry to the value of $5,000. Evidence was admitted that, when arrested two months after the larceny charged, the defendants had in their possession jewelry to the value of $2,300, but none of the articles covered by the indictment. It appeared that defendants had no visible means of support. *Held*, that the evidence was properly admitted. *Commonwealth* v. *Coyne*, 117 N. E. 337 (Mass.).

Any evidence having probative value is admissible, unless it falls within some rule of exclusion. See 1 WIGMORE, EVIDENCE, § 10. See also J. B. Thayer, "Presumptions and the Law of Evidence," 3 HARV. L. REV. 141, 144. Admissibility is usually a question not of the sufficiency of the evidence, but of its fitness to be considered. See *Commonwealth* v. *Jeffries*, 89 Mass. 548, 566. See also 1 WIGMORE, EVIDENCE, §§ 28, 29. Logically relevant evidence is sometimes excluded, if its value is only remote. See MCKELVEY, EVIDENCE, 128. The value of the evidence in the principal case, and consequently its admissibility, depends somewhat on the financial condition of the defendant. Under the circumstances shown, it would seem to be admissible. See *Commonwealth* v. *Mulrey*, 170 Mass. 103, 110, 111, 49 N. E. 91, 94. This evidence does not fall within the rule of exclusion as creating unfair prejudice. See 1 WIGMORE, EVIDENCE, § 193. The decision seems to have the support of authority as well as principle. *Carr* v. *State*, 84 Ga. 250, 10 S. E. 626. *Cf. Commonwealth* v. *Montgomery*, 11 Met. (Mass.) 534. But *cf. United States* v. *Williams*, 168 U. S. 382, 396. See 1 WIGMORE, EVIDENCE, § 154, n.

EXTRADITION — INTERSTATE EXTRADITION UNDER THE UNITED STATES CONSTITUTION — FUGITIVE FROM JUSTICE: PRISONER BROUGHT FROM REQUISITIONING STATE BY EXTRADITION PROCEEDINGS. — Petitioner was arrested in Texas, charged with a crime against that state. Before trial, he was extradited to California on requisition from the governor. The California charge was not pressed; and the governor of California, acting on requisition from Texas, issued a warrant to extradite him to Texas. He applies for a writ of *habeas corpus*. *Held*, that the prisoner be discharged. *In re Whittington*, 167 Pac. 404 (Cal.).

Since there is no state statute covering the question, extradition is governed solely by the provisions of the federal constitution. *People ex rel. Corkran* v. *Hyatt*, 172 N. Y. 176, 64 N. E. 825; *In re Kopel*, 148 Fed. 505. The Constitution provides only for the surrender of persons who "flee from justice." U. S. CONST. Art. IV, § 2. *State* v. *Hall*, 115 N. C. 811, 20 S. E. 729; *People ex rel. Genna* v. *McLaughlin*, 145 App. Div. 513, 130 N. Y. Supp. 458. It is the function of the executive to deal with the problems of extradition, and hence to determine whether the person requisitioned is a fugitive. *Ex parte Reggel*, 114 U. S. 642; *Katyuga* v. *Cosgrove*, 67 N. J. L. 213, 50 Atl. 679. But the courts have jurisdiction to pass on the validity of the imprisonment, and the finding